

HB352 ENROLLED



1 CYILWW-3
2 By Representative Baker
3 RFD: Public Safety and Homeland Security
4 First Read: 20-Apr-23
5 2023 Regular Session



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1 Enrolled, An Act,

2
3 Relating to amusement rides and water slides; to impose
4 new safety requirements pertaining to the operation and
5 maintenance of amusement rides and water slides.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Unless inconsistent with any other provision
8 of this act, the following ASTM International standards are
9 adopted by reference:

10 (1) F770-22, Standard Practice for Ownership,
11 Operation, Maintenance, and Inspection of Amusement Rides and
12 Devices.

13 (2) F2376-22, Standard Practice for Classification,
14 Design, Manufacture, Construction, and Operation of Water
15 Slide Systems.

16 (3) F747-22, Standard Terminology Relating to Amusement
17 Rides and Devices.

18 Section 2. For the purposes of this act, the following
19 terms have the following meanings:

20 (1) AMUSEMENT RIDE. A device or combination of devices
21 or elements that carry, convey, or direct an individual over
22 or through a fixed or restricted course or within a defined
23 area for the primary purpose of amusement or entertainment,
24 including, but not limited to, amusement railway rides,
25 circular rides, concession go karts, flat rides, high rides,
26 inflatable amusement devices, and kiddie rides as defined in
27 ASTM F747-22. Amusement rides shall not include aerial
28 trekking courses, canopy tours, challenge courses, fun karts,



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29 race karts, ropes courses, trampoline courts, or zip lines as
30 defined in ASTM F747-22. Further, amusement rides shall not
31 include coin-operated amusement rides, courses or facilities
32 that include whitewater rafting, paddling, climbing,
33 bouldering, or biking, or nonmechanized playground equipment.

34 (2) COIN-OPERATED AMUSEMENT RIDE. A single passenger
35 coin-operated ride that is manually, mechanically, or
36 electrically operated, customarily placed in a public
37 location, and does not normally require the supervision of an
38 operator.

39 (3) INFLATABLE AMUSEMENT DEVICE. An amusement ride or
40 device designed for uses including, but not limited to,
41 bouncing, climbing, sliding, or interactive play, made of
42 flexible fabric, kept inflated by continuous air flow provided
43 by one or more blowers, and reliant upon air pressure to
44 maintain its shape. The term does not include mobile devices
45 that are offered for rent or sale to the general public.

46 (4) NONMECHANIZED PLAYGROUND EQUIPMENT. Swings,
47 seesaws, stationary spring-mounted animal features,
48 rider-propelled merry-go-rounds, climbers, playground slides,
49 physical fitness devices, and other similar items.

50 (5) OPERATOR. An individual in direct control of the
51 starting, stopping, or speed of an amusement ride.

52 (6) OWNER. The individual, organization, or business
53 entity responsible for the maintenance and operation of an
54 amusement ride or water slide.

55 (7) QUALIFIED INSPECTOR. A professional engineer or
56 inspector who is not employed by the owner and holds at a



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57 minimum a level 1 inspector certification from Amusement
58 Industry Manufacturers and Suppliers International (AIMS
59 International) or the National Association of Amusement Ride
60 Safety Officials.

61 (8) WATER SLIDE. A ride intended for use by riders in
62 bathing attire where the action of the ride involves possible
63 or purposeful immersion of the rider's body in water, either
64 in whole or in part, and which uses circulating water to
65 mobilize or lubricate the rider's transportation along a
66 pre-built path. A water slide includes slides used with or
67 without vehicles, but does not include water slides installed
68 at private residences, water flume amusement rides, log flume
69 rides, lazy river-type attractions operating at a constant
70 elevation and constructed in the ground, courses or facilities
71 that include whitewater rafting or paddling, or slides where
72 the change in elevation from the beginning to the end of the
73 slide is less than fifteen feet.

74 Section 3. (a) All amusement rides and water slides
75 shall be inspected by a qualified inspector at least once
76 every 12 months, measured from the date of issuance of the
77 immediately preceding inspection certificate.

78 (b) Upon completion of a satisfactory inspection, a
79 qualified inspector shall issue an inspection certificate to
80 the owner of the amusement ride or water slide certifying
81 that, in the qualified inspector's reasonable judgment, the
82 amusement ride or water slide substantially complies with all
83 statutorily required ASTM standards and is reasonably safe for
84 public use.



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85 (c) No patron may be admitted to an amusement ride or
86 water slide that has undergone a major modification until the
87 amusement ride or water slide receives a new inspection
88 certificate from a qualified inspector.

89 (d) (1) No amusement ride or water slide may be operated
90 for the public if the amusement ride or water slide has not
91 received an inspection certificate from a qualified inspector.

92 (2) If, using his or her reasonable judgment, a
93 qualified inspector determines that an amusement ride or water
94 slide is not reasonably safe for public use, the qualified
95 inspector shall immediately notify the amusement ride or water
96 slide's owner of any unsafe condition.

97 (3) A qualified inspector shall not issue an inspection
98 certificate for an unsafe amusement ride or water slide until
99 the unsafe condition has been rectified to the satisfaction of
100 the qualified inspector.

101 (e) Inspection fees shall be determined by each
102 qualified inspector and paid by the owner of the amusement
103 ride or water slide.

104 (f) In addition to the inspections by qualified
105 inspectors required by this act, the owner of an amusement
106 ride shall ensure that, at minimum, a daily pre-opening
107 inspection is conducted on each amusement ride and water slide
108 in accordance with the pre-opening inspection requirements of
109 ASTM F770-22, ASTM F1193-22 Section 6, or ASTM F2376-22.

110 (g) Owners shall keep records of all inspections by
111 qualified inspectors and pre-opening inspections for at least
112 three years from the creation of each record.



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113 Section 4. An owner of an amusement ride or water slide
114 shall maintain, at all times during which the amusement ride
115 or water slide is in operation for the public, liability
116 insurance with an insurer authorized or approved to write such
117 insurance in this state on the operation of the amusement ride
118 or water slide providing coverage, subject to a limit,
119 exclusive of interest and costs, of not less than one million
120 dollars (\$1,000,000) for bodily injury or death of one
121 individual in each occurrence, and, subject to such limit for
122 one individual, to a limit of not less than one million
123 dollars (\$1,000,000) for bodily injury or death of two or more
124 individuals in each occurrence.

125 Section 5. (a) Patrons of an amusement ride or water
126 slide shall do all of the following:

127 (1) Obey all posted signs, including, but not limited
128 to, warning signs, instruction signs, and direction signs,
129 pertaining to the amusement ride or water slide.

130 (2) Obey all verbal instructions from operators.

131 (3) Properly use all safety equipment on the amusement
132 ride or water slide in accordance with the instructions of
133 operators and posted signs.

134 (b) Patrons of an amusement ride or water slide may not
135 do any of the following:

136 (1) Act in any manner that may cause or contribute to
137 injury to self or others.

138 (2) Interfere with the operation of the amusement ride
139 or water slide.

140 (3) Fail to engage any provided safety devices.



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141 (4) Disconnect or disable a safety device, except at
142 the express instruction of an operator.

143 (5) Extend arms or legs beyond the carrier or seating
144 area, except at the express instruction of an operator.

145 (6) Throw, drop, or expel any object from or toward an
146 amusement ride or water slide.

147 (7) Enter or exit an amusement ride or water slide,
148 except at the designated time and area, at the express
149 direction of an operator, or in an emergency.

150 (8) Unreasonably control the speed or direction of
151 himself or herself if the amusement ride or water slide
152 requires the patron to control or direct himself or herself.

153 (9) Ride any amusement ride or water slide while under
154 the influence of alcohol or any other intoxicating substance.

155 (c) Any patron who violates the provisions of this
156 section shall be subject to immediate removal from the
157 amusement facility without the refund of any admission charge.

158 Section 6. This act shall not apply to sheriffs,
159 recreational vehicle parks, as defined in Section 35-15-30,
160 Code of Alabama 1975, governmental entities, or summer camps.
161 For the purposes of this act, "summer camps" include
162 facilities providing lodging, meals, and educational and
163 recreational opportunities, primarily for the benefit of
164 children, students, and nonprofit organizations, and not
165 members of the general public. For purposes of this act,
166 "governmental entities" shall mean the state or any political
167 subdivision thereof, or any department, agency, board,
168 commission, or authority of the state, or any such political



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169 subdivision, or any public corporation, authority, agency,
170 board, commission, state colleges, or universities, or other
171 governmental entity controlled by the state or any such
172 political subdivisions. This definition shall be inclusive of
173 both the singular and plural form of this term.

174 Section 7. This act shall become effective on the first
175 day of the third month following its passage and approval by
176 the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 02-May-23, as amended.

John Treadwell
Clerk

Senate

16-May-23

Passed